

REMARKS

Claims 23-30 are all the claims pending in the application, claims 1 and 5-22 having been allowed and claims 2-4 cancelled. The Examiner rejects claims 23-30 under 35 U.S.C. §112, second paragraph, for failing to point out and distinctly claims the invention. The Examiner also rejects claims 23-30 under 35 U.S.C. §102(e) as being anticipated by Kim (US 2002/0141349).

Applicants amend claims 23-24 and 26.

Applicants appreciate allowance of claims 1 and 5-22.

112, Second Paragraph Rejection

Applicants amend claims 23, 24, and 26 to more clearly identify the variation rate of ROT_m as being ROT_v, and believe this amendment overcomes the 112, second paragraph rejections. No new matter is introduced, and the amended claims find support in paragraphs 0075-0077. Applicants respectfully request reconsideration and withdrawal of these rejections.

102(2) Rejection

The Kim Reference

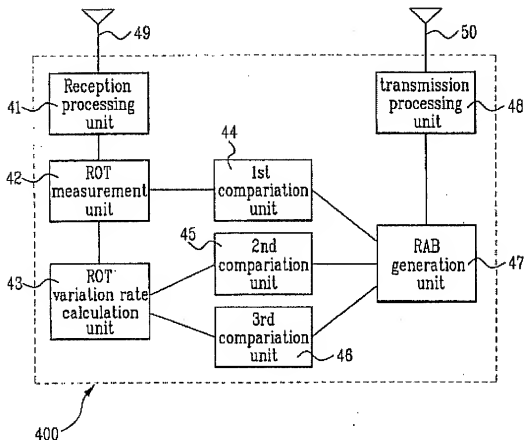
"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See, MPEP 2131.

Independent claim 23

Claim 23 as amended recites the limitations of an ROT_m measurement unit, a ROT variation rate calculation unit calculating ROT_v, a first comparison unit to compare ROT_m with a reference value, a second comparison unit to compare ROT_v with an upward reference value, and a third comparison unit to

compare ROT-v with a downward reference value. See Fig. 4, reproduced below:

FIG. 4



The Examiner has directed the applicants' attention to Kim, para. 0045-0047, 0071-0073, and 0119-0129 stating: "The base station then uses the detected ROT value to update the BS-RCV. If the detected ROT value is below ROT_TH1, BS_RCV increases by 1, and if the ROT value is below ROT_TH2, BS_RCV decreases by -1. However, if the ROT is maintained within a range between ROT_TH1 and ROT_TH2, the BS_RCV value is maintained at its previous value (para. 0045-0047, 0071-0073, 0119-0129)." Kim is describing comparing ROT with two thresholds, ROT_th1 and ROT_th2 and adjusting

BS_RCV accordingly. This is comparable to the activity performed by the first comparison unit (44) shown in Fig. 4.

Kim does not, however, address the limitations of claim 23 that recite calculating ROT-v, which is the rate of change of ROTm, and using ROT-v to adjust the reverse activity bit. Nothing in Kim is analogous to calculating the rate of change in ROTm. As the Examiner pointed out, Kim only addresses comparing ROTm itself, not the rate of change of ROTm, to pre-established thresholds and taking action based on that comparison.

Applicants submit that Kim does not teach all the limitations of claim 23, and therefore, Kim does not anticipate claim 23, and claim 23 and its dependencies are allowable. Applicants respectfully request reconsideration and withdrawal of the rejection.

Dependent claims 24-30

Each of the above listed dependent claims depends from a now allowable independent claim and is therefore allowable for at least this reason. Applicant respectfully requests reconsideration and withdrawal of the rejections.

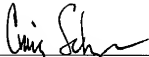
CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain at issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly invited to contact the undersigned at (213) 623-2221.

Respectfully submitted,
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